

### REMARKS

The Applicants do not believe that examination of the foregoing response will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above response be entered in and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated November 19, 2004 has been received and considered by the Applicants. Claims 1-14 are pending in the present application for invention. Claims 1-14 are rejected by the November 19, 2004 Final Office Action.

The Office Action rejects Claims 1-8 under the provisions of 35 U.S.C. §103(a) in view of U.S. Patent No. 6,400,996 issued to Hoffberg et al. (hereinafter referred to as Hoffberg et al.) and over U.S. Patent No. 5,760,768 issued to Gram (hereinafter referred to as Gram).

Regarding Claim 1, the Examiner states that Hoffberg et al. teach a method of customizing a graphical user interface for a computer controlled system having at least one selectable parameter. The Examiner admits that Hoffberg et al. do not "teach the providing of actuatable means arranged so that a user can access the actuation to provide input to the display arrangements." The Examiner's position is that Gram teaches means allowing the user to accept or change a displayed arrangement at col. 2, line 65- col. 3, line 9. The Applicants would like to draw the Examiner's attention to the recitation contained within rejected Claim 1 for "providing actuatable means arranged so that a first actuation accepts the displayed optimized arrangement and a second activation cancels the displayed optimized arrangement". The Applicants' position is, firstly, that the Final Office Action does not even contend that any of the cited references disclose, or suggest, the subject matter for actuatable means arranged such that "a first actuation accepts the displayed optimized arrangement and a second activation cancels the displayed optimized arrangement." Therefore, there remain features that are defined by rejected Claim 1 that are not found within the cited references Hoffberg et al. or Gram, either alone or in combination.

The MPEP at §2143.03 clearly states that in order to establish a *prima facie* case of obviousness that all the claim limitations must be taught or suggested by the prior art references. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ

580 (CCPA 1974). Gram at col. 2, line 65- col. 3, line 9 discusses desire to provide flexibility in customizing the user interface. Additionally, Gram states that it is desirable to allow a computer system to select and display frequently used or desired commands without leaving the current computer environment. Gram at col. 2, line 65- col. 3, line 9, further teaches that it is desirable to provide flexibility in customizing a computer user interface without recompiling computer code. There is no disclosure or suggestion within Gram for "providing actuatable means arranged so that a first actuation accepts the displayed optimized arrangement and a second activation cancels the displayed optimized arrangement" as recited by rejected Claim 1. Rejected Claim 1 specifically defines subject matter for first and second actuations, respectively, to either accept or cancel the optimized arrangement. The Final Office Action states that Gram at col. 2, line 65- col. 3, line 9, teaches allowing the user to accept or change a displayed arrangement, however, this is not the subject matter defined by rejected Claim 1. As previously stated, the Final Office Action makes no mention of the specific recitation that is contained within rejected Claim 1 for "providing actuatable means arranged so that a first actuation accepts the displayed optimized arrangement and a second activation cancels the displayed optimized arrangement". Therefore, there remain features recited by rejected Claim 1 that are not addressed by the Final Office Action and are not found within cited references. Accordingly, the Final Office Action does not make a *prima facie* case of obviousness because all the claim limitations are not taught or suggested by the prior art references, Hoffberg et al. or Gram, either alone or in combination. Moreover, rejected Claim 1 is not obvious over the combination of Hoffberg et al. with Gram because as previously discussed, all the recited limitations are not taught or suggested by the prior art references, Hoffberg et al. or Gram, either alone or in combination.

The Applicants would like to, respectfully point out that, Hoffberg et al. do not teach selectable parameters. The Examiner has in fact admitted as much in the Office Action by making the statement at the bottom of page 2 that Hoffberg et al. do not "teach the providing of actuatable means arranged so that a user can access the actuation to provide input to the display arrangements." The Applicants, respectfully, assert that the rejection contained within the Office Action fails at this point. The rejected claims define subject matter defining monitoring the selection of the selectable parameter by a user, and this element is not found in the rejection made by the Office Action. Accordingly, this rejection is, respectfully, traversed.

Claims 2-6 depend from Claim 1, either directly or indirectly, and further narrow and define Claim 1. Therefore, Claims 2-6, are also believed to be allowable.

Regarding Claim 7, the Examiner states that Hoffberg et al. teach a method of customizing a graphical user interface for a computer controlled system having at least one selectable parameter. The Examiner admits that Hoffberg et al. do not “teach the providing of actuatable means arranged so that a user can access the actuation to provide input to the display arrangements.” The Examiner’s position is that Gram teaches means allowing the user to accept or change a displayed arrangement at col. 2, line 65- col. 3, line 9. The Applicants would like to draw the Examiner’s attention to the recitation contained within rejected Claim 7 for “actuatable means arranged so that a first actuation accepts the displayed optimized arrangement and a second actuation cancels the displayed optimized arrangement”. The Applicants, respectfully, point out that the Final Office Action does not even contend that any of the cited references disclose, or suggest, the subject matter for actuatable means arranged such that “actuatable means arranged so that a first actuation accepts the displayed optimized arrangement and a second actuation cancels the displayed optimized arrangement.” Accordingly, as previously discussed in the response to the rejection of Claim 1, the Final Office Action does not make a *prima facie* case of obviousness because all the claim limitations are not taught or suggested by the prior art references, Hoffberg et al. or Gram, either alone or in combination.

The Applicants’ position is that there are features defined by rejected Claim 7 that are not found within cited references Hoffberg et al. or Gram, either alone or in combination. Gram at col. 2, line 65- col. 3, line 9 discusses desire to provide flexibility in customizing the user interface. Additionally, Gram states that it is desirable to allow a computer system to select and display frequently used or desired commands without leaving the current computer environment. Gram at col. 2, line 65- col. 3, line 9, further teaches that it is desirable to provide flexibility in customizing a computer user interface without recompiling computer code. There is no disclosure or suggestion within Gram for “actuatable means arranged so that a first actuation accepts the displayed optimized arrangement and a second actuation cancels the displayed optimized arrangement.” Furthermore, none of the cited prior art references, Hoffberg et al. or Gram, provide any disclosure or suggestion of the subject matter defined by rejected Claim 7. Therefore, this rejection is, respectfully, traversed.

Claim 8 depends from Claim 7 and further narrows and defines Claim 7.

Therefore, Claim 8 is also believed to be allowable.

Claims 9-14 are rejected under the provisions of 35 U.S.C. §103(a) as being obvious over Hoffberg et al. in view of Gram and further in view of U.S. Patent No. 6,707,476 issued to Hochstedler (hereinafter referred to as Hochstedler).

Regarding Claim 9, the Examiner's position is that the items referenced by numerals 162, 164 within Fig. 8 of Hochstedler teach selectable parameters displayed as a menu in an optimized arrangement with a first actuation of the actuatable means accepting the optimized arrangement and a second activation of the actuatable means cancels the optimized arrangement (discussed at col. 7, line 48-col. 8, line 40). The Applicants, respectfully, disagree. Items 162, 164 represent two separate means that are each actuated once. Hochstedler at col. 7, line 48-col. 8, line 40 clearly discusses that a single selection of OK Button 162 or Cancel Button 164 actuates the respective functions of acceptance for the OK Button 162 or cancel by Cancel Button 164. There is no first actuation of the actuatable means accepting the optimized arrangement and a second actuation of the actuatable means cancels the optimized arrangement. The Applicants, respectfully, submit that the OK Button 162 and Cancel Button 164 of Hochstedler should be viewed in their proper context as individual means and not a single means. For example, if OK Button 162 was firstly actuated to indicate acceptance of the optimized arrangement and Cancel Button 164 was then secondly actuated to indicate cancellation of the optimized arrangement, the result would probably be that the first actuation of OK Button 162 would prevail because the acceptance function would have already been initiated. Accordingly, the Applicants assert that Hochstedler teaches away from the use of an actuation means that undergoes a first and second actuation to perform respective acceptance and cancellation functions. Therefore, this rejection is respectfully traversed.

Regarding Claim 10-14, these claims depend from claims that, as previously discussed, are believed to be allowable. Therefore, Claim 10-14 are also believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

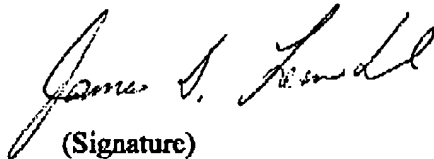
By 

James D. Leimbach, Reg. 34,374  
Patent Attorney (585) 381-9983

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence  
is being transmitted on this date via  
facsimile transmission to (703) 872-9306 AND addressed to:  
COMMISSIONER OF PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date of Transmission: February 1, 2005

  
(Signature)